

NEBRASKA REPUBLICAN PARTY

Mark Fahleson, Chairman

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OFFICE OF GENERAL
COUNSEL

October 4, 2011

Mr. Anthony Herman, Esq.
General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

MUR # 6502

COMPLAINT BEFORE THE FEDERAL ELECTION COMMISSION

Dear Mr. Herman:

The Nebraska Republican Party files this complaint seeking an immediate investigation into the Nebraska Democratic State Central Committee's ("NDSCC") and Senator Ben Nelson's illegal spending practices.

Their communications and public records show, and an investigation will confirm that the NDSCC and Senator Nelson have engaged in a massive spending spree in an attempt to prop up and resuscitate Senator Nelson's re-election campaign. NDSCC has made, and Senator Nelson has accepted, expenditures to benefit Senator Nelson's re-election campaign in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), 2 U.S.C. §§ 431 *et seq.* and Federal Election Commission ("FEC") regulations, 11 C.F.R. §§ 100.1 *et seq.*

FACTS

Nebraska's two term Democratic Senator's re-election campaign is in desperate shape. The Senator's long history of being out of step with Nebraska – culminating in the infamous "Cornhusker Kickback," the deal with which the Obama Administration effectively bought Senator Nelson's 60th vote for Obamacare – has chiseled his re-election number in the 30% range.

The Democrats' hold on a Senate majority is also in desperate shape. The party is defending 23 seats in a year when the American public is angry with Congress and frustrated with President Obama's failed economic policies. Nebraska is a "must win" state for the Democratic Party in 2012.

Senator Nelson, running for his third six-year term in Washington, D.C., is attempting to position himself as a Washington "outsider," and someone who, despite his record, has not voted for massive spending increases that have resulted in a crippling \$14 trillion national debt.

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Additionally, Senator Nelson and the Democratic Party have made expressly clear that it is their campaign strategy to attempt to scare senior citizens by labeling Republicans as a threat to Social Security and Medicare. For example:

- **Ben Nelson's Campaign Manager Cited Medicare And Social Security As Reasons He Was Confident Nelson Would Have The Resources To Win Re-Election.** "I am confident we will have the resources needed to win re-election in spite of the efforts of Karl Rove and his billionaire affiliates to affect the outcome," Nelson's campaign manager, Paul Johnson, said. "Supporters are becoming increasingly passionate about this election as they learn more about our opponents' willingness to dismantle Social Security and Medicare." (Don Walton, "Ben Nelson Campaign Has Nearly \$3 Million," *Lincoln Journal Star*, 7/14/11).
- **Nelson's Campaign Manager Said Jon Bruning Wanted To Cut Medicare And Social Security.** "This endorsement makes perfect sense," Nelson campaign manager Paul Johnson wrote in a statement. "Both the Tea Party Express and Mr. Bruning want to cut Medicare, cut Social Security and return to the days when insurance companies could deny health coverage to children with preexisting conditions." (Shannon Travis, "Claims Of 'Risk' Vs. 'Lies' In First Senate Race Backed By Tea Party Express," *CNN's Political Ticker Blog*, 5/11/11).
- **Chuck Schumer Said Medicare Will Be A "Defining Issue" In The 2012 Election.** "Schumer said Medicare will be a "defining issue" in 2012, pointing to the success Democrat Kathy Hochul has had in the traditionally Republican 26th House District of New York. She's up 4 points ahead of Tuesday's special election." (Jennifer Haberkorn, "Chuck Schumer: Medicare Vote A 'Defining Issue,'" *Politico*, 5/23/11).
 - **Schumer: "We Will Exhibit This Issue As An Example Of Why We Need To Keep The Senate Democratic In Order To Counter House Republicans. We Will Point To This Week And Say The Republicans Tried To End Medicare But A Democratic Majority Stopped It In The Senate. It's That Simple."** (Jennifer Haberkorn, "Chuck Schumer: Medicare Vote A 'Defining Issue,'" *Politico*, 5/23/11).
- **Patty Murray And Chuck Schumer Reportedly Expressed Frustration That Deep Medicare Cuts As Part Of The Debt Negotiations Risked Squandering The Political Advantage Democrats Have Built On The Issue.** "Top Democrats in charge of keeping the Senate in Dem hands and maintaining the political health of the party — DSCC chair Patty Murray and messaging chief Chuck Schumer — have privately expressed frustration that deep Medicare cuts risk squandering the major political advantage Democrats have built up on the issue, people familiar with internal discussions say." (Greg Sargent, "Top Senate

Dems Privately Warn: Deep Medicare Cuts Will Squander Our Big Advantage On Issue," *The Washington Post's Plum Line Blog*, 7/11/11).

- **A Source Close To Murray Said She Believed Democrats "Should Be Very Careful About Giving Away The Biggest Advantage" They Have Had In Some Time.** "'We shouldn't be giving away our advantage on Medicare,' said a source familiar with Murray's thinking, in characterizing her objections in private meetings. 'We should be very careful about giving away the biggest advantage we've had as Democrats in some time.'" (Greg Sargent, "Top Senate Dems Privately Warn: Deep Medicare Cuts Will Squander Our Big Advantage On Issue," *The Washington Post's Plum Line Blog*, 7/11/11).

All bulleted articles are attached hereto as Att. A.

As part and in support of Senator Nelson's re-election strategy, Senator Nelson and the NDSCC have begun airing communications featuring Senator Nelson voicing radio ads and appearing on camera in television ads, and attempting to convince Nebraskans that he's "not part of Washington, D.C." (the "Senator Nelson Campaign Ads"). Of course, it would undermine the Senator's strategy to air a communication with a disclaimer stating that it had been paid for by the Democratic Senatorial Campaign Committee – a pillar of the Washington, D.C. establishment. So, the DSCC transferred money to the NDSCC that was then used to pay for Senator Nelson's campaign ads.

The Senator Nelson Campaign Ads began airing on Omaha radio on or about July 20, 2011. These ads ran for four weeks, and according to public records, the NDSCC paid \$18,062 for their ad buy. On or about September 8, 2011 Senator Nelson and the NDSCC expanded their campaign to television, paying \$219,422 for a statewide ad buy. Senator Nelson and the NDSCC have now trafficked in a new campaign ad, and have purchased \$221,141 in statewide television time. The total amount of this expenditure by the NDSCC – not including the related creative and production costs associated with the campaign ads – is \$458,625. A spreadsheet of the NDSCC media expenditures is attached hereto as Att. B.

Despite the ads' disclaimers stating "Paid for by Nebraska State Central Committee," or the "Nebraska Democratic Party," or the "Nebraska Democratic State Central Committee," "Nebraska" money did not pay for Senator Nelson's ads – Washington, D.C. money did.¹ NDSCC had run no radio or television communications in 2011. The NDSCC's total federal disbursements in the months leading up to July pale in comparison to what they have expended

¹ Indeed, Senator Nelson and the NDSCC apparently did not even want Nebraskans to learn that a *Democrat* committee of any sort had paid for the Senator Nelson Campaign Ads – the first television ad's disclaimer stated only "Paid for by the Nebraska State Central Committee." Screen shot of "Nelson Ad" (Att. C).

since the DSCC transfers for Senator Nelson began: \$15,759.95 in March; \$33,919.53 in April; \$38,338.23 in May; and \$17,596.26 in June. Then, in July and August, the DSCC transferred \$83,800 and \$140,000, respectively, to the NDSCC – a total of \$223,800. This total exceeds the DSCC's next highest transfer to any state party in 2011 by \$186,000, and the DSCC had not reported any transfers to the NDSCC before July. In short, DSCC transfer money from Washington, D.C. paid for the Senator Nelson Campaign Ads.

Transcripts of the four Senator Nelson Campaign Ads follow:

Radio Ad 1 – “Promise”

Ben Nelson: There's a right way and a wrong way to cut government spending. This is Senator Ben Nelson, and I approve this message because we need to tear up Washington's credit card, but not balance the budget on the backs of senior citizens.

Some want to change Medicare into a voucher system, and privatize Social Security, risking your money in the stock market. Their ideas will drastically change Medicare and Social Security, cut benefits, and raise premiums. It's a bad idea. We made a promise to seniors, and I intend to keep it. I will vote to cut spending, but I will not vote to destroy Medicare and Social Security.

Stand with me. Go to SaveNebraskaSeniors.com, and sign my online petition to protect Social Security and Medicare. Tell Washington to keep their hands off your retirement, and get their own house in order. Remember, go to SaveNebraskaSeniors.com.

Paid for by the Nebraska Democratic Party, and authorized by Ben Nelson.

Available here: <http://youtu.be/s2uQmbdRQNW>

Radio Ad 2 – “Wrong Way”

Ben Nelson: I said there is a right way and a wrong way to cut spending. Unfortunately Congress chose the wrong way. This is Senator Ben Nelson. I approve this message to let you know why I voted against raising the debt limit.

I voted against this so called debt reduction plan because it left Medicare vulnerable to billions in unnecessary cuts while using budget gimmicks and accounting tricks to create the illusion of cutting spending now. We need to cut spending and balance the budget, but not on the backs of senior citizens.

There are those that want to destroy Social Security and Medicare and turn them into a voucher system or let Wall Street run it. This budget plan is the first step in that direction. So stand with me. Go to SaveNebraskaSeniors.com and sign my online petition to protect Social Security and Medicare.

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Tell Washington to keep their hands off of your retirement and get their own house in order. Paid for by the Nebraska Democratic Party and authorized by Ben Nelson.

Available here: <http://youtu.be/bHwSMH9rEU>

Television Ad 1 – “Nelson Ad”

Ben Nelson: They don't get it, they put politics ahead of what is best for the Country. We need to balance the budget, but not on the backs of senior citizens, bring our troops home with pride and dignity, and invest in American jobs and America's future. I am Ben Nelson, I approve this message because we need to stop playing politics and find common sense solutions.

On-screen disclaimer: Paid for by Nebraska State Central Committee. Authorized by Ben Nelson.

Available here: http://www.youtube.com/watch?v=aGweSoQ-kic&feature=player_embedded

Television Ad 2 – “Skunk”

Ben Nelson: I am Ben Nelson. I approve this message because as Governor I balanced eight budgets, cut taxes 41 times and left the state with a big surplus. As your Senator, I sponsored a constitutional amendment to require a balanced budget, but I voted against raising the debt ceiling. Because Washington's budget deal didn't really cut spending, but could cut billions from Medicare. Like most Nebraskans, I can smell a skunk, and that deal stunk even for Washington.

On-screen disclaimer: Paid for by the Nebraska Democratic State Central Committee. Authorized by Ben Nelson.

Available here: <http://www.youtube.com/watch?v=QRvOHDeOnvs>

The Senator Nelson Campaign Ads feature Senator Nelson. He is the sole speaker in his radio ads, and appears on camera and is the sole main speaker in his television ads. As a candidate for U.S. Senate, Senator Nelson discusses his record as a Senator in favorable terms. He executes his and the Democrats' national campaign strategy by invoking hackneyed Democratic campaign clichés to scare senior citizens that “others,” but not himself, are a threat to Social Security and Medicare. Finally, despite his 12 year record, the “Cornhusker Kickback,” and his vote for the 2009 \$825 billion “Stimulus” boondoggle, he presents himself to Nebraskans as a martyr for controlling government spending.

LAW

Party Expenditure Limits

The Act establishes clearly defined spending limits for the NDSCC on behalf of their Senate nominee. The NDSCC, along with the DSCC, may contribute up to \$43,100 to the candidate directly, 2 U.S.C. § 441a(h), and assuming the DNC has assigned its limit to the NDSCC, up to \$240,600 in coordinated expenditures, 2 U.S.C. § 441a(d). The NDSCC may also spend an unlimited amount in independent expenditures. *Colorado Republican Fed. Campaign Committee v. FEC*, 518 U.S. 604 (1996). These are the only options available to the NDSCC for expending money specifically to promote their candidate for U.S. Senate.

Federal Election Commission regulations establish a three part test to determine whether a party committee communication is "coordinated" or "independent." *First*, whether the communication is paid for by a political party or its agent. *Second*, whether the communication meets one of three content standards. *Finally*, whether a communication meets one of six conduct standards. 11 C.F.R. § 109.37.

Disclaimer Requirements for Coordinated Party Communications.

The Act requires any communication paid for by a political party committee and authorized by a candidate for federal office to "clearly state that the communication has been paid for by such authorized political committee." 2 U.S.C. § 441d(1); 11 C.F.R. § 110.11.

Specifically, for a communication paid for by a political committee and authorized by a candidate, the written disclaimer must (1) clearly identify the authorized political party paying for the ad; and (2) that the communication was authorized by the candidate.

VIOLATIONS

NDSCC Exceeded Its Direct Contribution and/or Coordinated Expenditure Limit In Connection With Senator Nelson's Re-Election Campaign.

The Senator Nelson Campaign Ads are coordinated expenditures by the NDSCC, which means with the money that has been spent on solely the media buy so far (and assuming that the DNC has properly assigned its coordinated limit to the NDSCC) the NDSCC has exceeded its legal limit of \$240,600 by \$218,025, or its in-kind limit by at least \$415,525.

These communications satisfy the test for coordinated party communications. The payment and conduct tests are satisfied: the NDSCC (at least, from what one can tell from the various names given in the ads' disclaimers) paid for the communications. Senator Nelson voices the radio ads and is the sole on-air spokesman for his re-election in the television ads,

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states his approval of each communication and each ad states that it was authorized by Senator Nelson.

The communications also satisfy the content test. The communication “disseminates, republishes, or distributes campaign materials prepared by a candidate, the candidate’s authorized committee, or an agent of the foregoing.” 11 C.F.R. 109.37(2)(i). In the ads “Promise,” “Wrong Way,” and “Nelson Ad” Senator Nelson states that he will not balance the budget “on the backs of seniors.” This exact slogan was posted on Senator Nelson’s 2012 campaign website – in the form of a “tweet” on Senator Nelson’s self-identified “campaign twitter account”:

BenNelson2012 Ben Nelson

I will not support the Ryan budget or any proposal that balances the federal budget on the backs of seniors. <http://bit.ly/kpQXEL>

25 May

And “Skunk” discusses potential Medicare cuts, just like Senator Nelson’s campaign material stating:

BenNelson2012 Ben Nelson

Nebraskans can count on me to stand up for seniors and fulfill our commitments to future generations. <http://bit.ly/mI7tYk>

Screenshots attached hereto as **Att. D**.

Notably, this campaign material – specifically designated as such by Senator Nelson himself – was created on May 23 and 25, 2011 – well before the Senator Nelson Campaign Ads began airing. This alone satisfies the content test, making these NDSCC communications coordinated party communications. As such, they must be treated as either an in-kind contribution to Senator Nelson’s campaign (exceeding the NDSCC limit by at least \$415,525) or as a coordinated expenditure (exceeding the NDSCC limit by at least \$218,025) – or some combination thereof. The NDSCC, however, appears to have reported these expenditures merely as a disbursement counting against no limit whatever.

Moreover, Senator Nelson is the sole voiceover in the radio ad and appears on screen as the sole speaker in both television ads – ensuring that he, the federal candidate himself, is the person communicating his own express re-election message, as well as the Democratic Party’s express strategic national election message, to Nebraskans. The NDSCC has run no other television or radio ads this cycle – nor did they have the money to run these. Their cash-on-hand has remained consistently in the \$30,000 range. It was solely the infusion of money from the

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Washington, D.C. based Democratic Senatorial *Campaign* Committee that made the Senator Nelson Campaign Ads possible.

The Senator Nelson Campaign Ads are just that: campaign ads. There is no reasonable interpretation that they are anything else but. That they are ineffective is immaterial; they are illegal.

The Ads' Disclaimers are Unclear, Confusing, and Misleading.

One entity paid for these ads: the Nebraska Democratic State Central Committee. That's the Committee's name. See NDSCC FEC Form 1 (Att.). Yet the ads identify three different sponsors: "Promise" and "Wrong Way" state that they are paid for by the "Nebraska Democratic Party." "Skeak" states that it is paid for by the "Nebraska Democratic State Central Committee." And most egregiously, "Nelson Ad" – backed by a \$219,422 NDSCC media buy (funded by the Democrats' national campaign committee) – states that it was paid for by the "Nebraska State Central Committee" – a name that wholly omits "Democrat" from the identification and marks the ad as being sponsored by a non-partisan, or even state funded, entity.

But the Act does not allow campaign ads to hold themselves out to viewers as public service messages. Indeed, the very reason that disclaimers are required is so that the viewing/listening public can "clearly identify" who is paying for the communication.

The NDSCC's various disclaimers, only one of which correctly identifies the actual sponsoring political party committee, create confusion and mislead the public. They violate the Act's and FEC regulations' disclaimer requirements.

CONCLUSION

The facts are clear: the NDSCC, in cooperation with Senator Nelson, has violated Federal law. Perhaps Senator Nelson will attempt to explain these ads away as something other than campaign ads, and add to his unfortunate record of telling Nebraskans one thing while doing the opposite.

Regardless, these violations are ongoing, and are likely to continue throughout the 2011-2012 election cycle. The FEC must take immediate action to stop it.

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On the basis of the foregoing, the Nebraska Republican Party respectfully requests that the FEC:

- (1) Conduct an expedited investigation of the above to determine the exact amount of illegal spending by the NDSCC;
- (2) Impose any and all penalties grounded in violations alleged in this complaint, or as otherwise deemed necessary by the Commission.

Respectfully submitted,

Mark A. Fahleson, Chairman

Subscribed and sworn before me this 4 day of October, 2011.

Tara L. Tesmer
Notary Public



My Commission Expires: 9-23-2014
Date

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Att. A

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Ben Nelson campaign has nearly \$3 million

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Ben Nelson campaign has nearly \$3 million

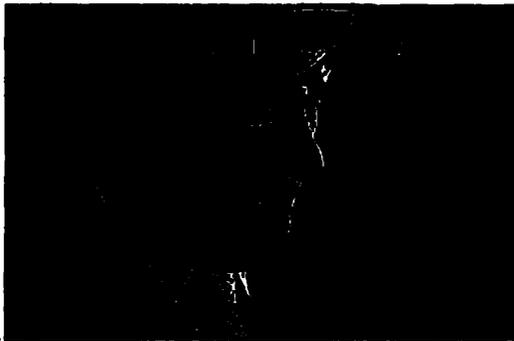
By DON WALTON / Lincoln Journal StarJournalStar.com | Posted: Thursday, July 14, 2011 7:00 pm | (21) Comments

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Ben Nelson photo

Sen. Ben Nelson (LJS file)

Sen. Ben Nelson raised more than \$900,000 for his re-election campaign during the second quarter of 2011 and entered July with \$2.9 million in cash on hand.

Those figures, released by the Nelson campaign Thursday, appeared to place the Democratic senator on firm financial ground 16 months before the 2012 election.

Although Nelson has not yet made a final decision, he appears to be well-positioned financially to seek a third term if he chooses to do so. A decision is likely after the end of the summer.

"I am confident we will have the resources needed to win re-election in spite of the efforts of Karl Rove and his billionaire affiliates to affect the outcome," Nelson's campaign manager, Paul Johnson, said.

"Supporters are becoming increasingly passionate about this election as they learn more about our opponents' willingness to dismantle Social Security and Medicare."

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If Nelson ultimately chooses to seek re-election, he will have a virtual free ride through the Democratic primary, allowing him to husband most of his resources for what is likely to be a hugely expensive battle with his Republican challenger waged in the national spotlight.

Nelson is viewed as a vulnerable Democratic incumbent who would be seeking re-election in a Republican state where the outcome of the Nebraska race could tip the balance in a narrowly divided Senate.

Five Republicans already have lined up to seek the GOP nomination.

Attorney General Jon Bruning, the early leader in terms of financial resources, will release his second-quarter financial report Friday.

Other GOP contenders include State Treasurer Don Stenberg, state Sen. Deb Fischer of Valentine, Schuyler investment adviser Pat Flynn and Omaha truck driver Spencer Zimmerman.

A summary of Nelson's campaign finance report shows an equal division of second-quarter donations from individuals and from political action committees.

The breakdown: \$430,000 individuals; \$437,000 PACs; \$43,000 political party committees.

Johnson made it clear that Nelson will be zeroing in on the concerns of older Nebraskans about proposals to refashion Medicare and Social Security.

"No amount of lipstick on a pig, so to speak, can hide the fact our opponents want to fundamentally alter our social contract with seniors by cutting their retirement benefits, raising premiums and increasing out-of-pocket expenses," Johnson said.

Reach Don Walton at 402-473-7248 or at dwalton@journalstar.com.

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Posted in Govt-and-politics, Govt-and-politics on Thursday, July 14, 2011 7:00 pm Updated: 7:05 pm. |

Tags: Ben Nelson, Congress, Election

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Claims of 'risk' vs. 'lies' in first Senate race backed by Tea Party Express
 By: [CNN Political Producer Shannon Travis](#)

Washington (CNN) – Already, things are getting ugly.

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In a preview of what'll likely be a bruising bout of political combat, the Tea Party Express and Nebraska Senator Ben Nelson's campaign began trading blows on Wednesday.

This comes just hours after the Express announced its pick to run against Nelson: state Attorney General Jim Bruning. The Senate endorsement is the first from the Tea Party Express for the 2012 cycle.

Even before the Express' official announcement in Washington at the National Press Club, Nelson's campaign was firing back.

"This endorsement makes perfect sense," Nelson campaign manager Paul Johnson wrote in a statement. "Both the Tea Party Express and Mr. Bruning want to cut Medicare, cut Social Security and return us to the days when insurance companies could deny health coverage to children with pre-existing conditions."

The last part of Johnson's quote apparently refers to conservative calls to repeal the nation's health care law.

Waiting the time in responding, the Tea Party Express called Johnson's claims the way "this."

"Shortly after seeing his conservative opponent endorsed by the Tea Party Express, the Nelson camp went into panic mode, and has already started a campaign of lies and distortions to try and cling to political office," Express chairman Amy Kremer fired back in an email.

"Nelson's campaign has falsely stated that the Tea Party Express wants to cut Medicare, Social Security and deny insurance coverage to children with pre-existing conditions. That is patently false," Kremer added.

And then, some rough advice squarely aimed at Johnson.

"We would encourage Nelson to rein-in his campaign spokesman and stick to the truth and not lies and distortions of our record," Kremer wrote.

Follow Shannon Travis on Twitter: @ShanTravisCNN

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POLITICO

Schumer: Medicare will 'define' 2012

By: Jennifer Haberkorn
May 23, 2011 06:07 PM EDT

Sen. Chuck Schumer says the House budget vote this week is a lose-lose situation for Senate Republicans, promising the Democrats will make the vote a key issue in 2012.

Schumer said Medicare will be a "defining issue" in 2012, pointing to the success Democrat Kathy Hochul has had in the traditionally Republican 26th House District of New York. She's up 4 points ahead of Tuesday's special election.

"We will exhibit this issue as an example of why we need to keep the Senate Democratic in order to counter House Republicans. We will point to this week and say the Republicans tried to end Medicare but a Democratic majority stopped it in the Senate. It's that simple."

If Republicans vote for it, they tie themselves with ending Medicare, the New York Democrat told reporters on Monday. They vote against it, they help Democrats say the plan is extreme.

"Republicans are getting the worst of both worlds," Schumer said. "They want to distance themselves from this vote but there is no face-saving way to do so. They have tried to turn themselves into pretzels to figure out how to deal with this awful plan introduced by the House."

He said the fact that Republican leader Mitch McConnell is not winning the vote

speaks volumes about the political fallout for voting for the plan.

"Leader McConnell is a very, very smart man and he's not one who simply lets the chips fall where they may when it comes to big votes in the Senate," he said. "But he knows the danger afoot."

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POLITICO

On Sunday, the plan's architect, House Budget Committee Chairman Raul Ryan, said he understands politicians are scared of entitlement reform "because every time you put entitlement reform out there, the other party uses it as a political weapon."

"But here's our problem ... if we don't get serious about these issues, if we don't get serious about the drivers of our debt, we're going to have a debt crisis," he said on NBC's "Meet the Press." "The irony of this all is if we don't fix these programs, people who rely on these benefits are going to be hurt the worst" and cut first in a debt crisis.

This article first appeared on POLITICO Pro¹ at 5:32 p.m. on May 23, 2011.

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The Plum Line

By Greg Sargent

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Top Senate Dems privately warn: Deep Medicare cuts will squander our big advantage on issue

By Greg Sargent

Top Democrats in charge of keeping the Senate in Dem hands and maintaining the political health of the party — DSCC chair Patty Murray and messaging chief Chuck Schumer — have privately expressed frustration that deep Medicare cuts risk squandering the major political advantage Democrats have built up on the issue, people familiar with internal discussions say.

Senators Murray and Schumer, along with other Dems like Debbie Stabenow and Mike Blumenthal, have warned against deep cuts in recent leadership meetings, a source familiar with the meetings says, another sign of the concern that the possibility of serious entitlement cuts is creating among Congressional Democrats.

"We shouldn't be giving away our advantage on Medicare," said a source familiar with Murray's thinking, in characterizing her objections in private meetings. "We should be very careful about giving away the biggest advantage we've had as Democrats in some time."

"For the first time in the past two and a half years we have an unmitigated advantage on a single issue where our entire caucus is united," the source continues. "This is a case where the whole morale of our party was lifted by the fact that we were taking the fight to Republicans."

The frustration on the Senate side is mirrored on the House side. Sam Stein reported on Friday that DSCC chair Stacey Abzug privately vented his frustration that serious Medicare cuts would hamper the ability to recruit good Dem candidates to challenge House GOP incumbents. Just a number of Dem challengers have since launched their campaigns by alluding to the GOP's unpopular Medicare plan, a reminder of just how central top Dem strategists want it to remain through 2012.

In red states like Montana, Nebraska, and Missouri, one key to good Dem performance is maintaining good standing among seniors. The Dems took a shock in 2010 in part because of the swing in seniors in such states. One measure of this is that Ben Rayburn, a conservative Dem who opposes tax hikes as part of any deficit deal, has also gotten out against any cuts in Social Security and Medicare.

"Schumer has consistently expressed the most concern," a source familiar with recent leadership meetings says. "Schumer has been on this

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bandwagon for weeks." The source adds that a recent meeting at which Stabenow and Bayh scolded the administration "got really heated."

Concludes the source: "There's a high degree of frustration within the caucus."

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Cobaltz wrote:

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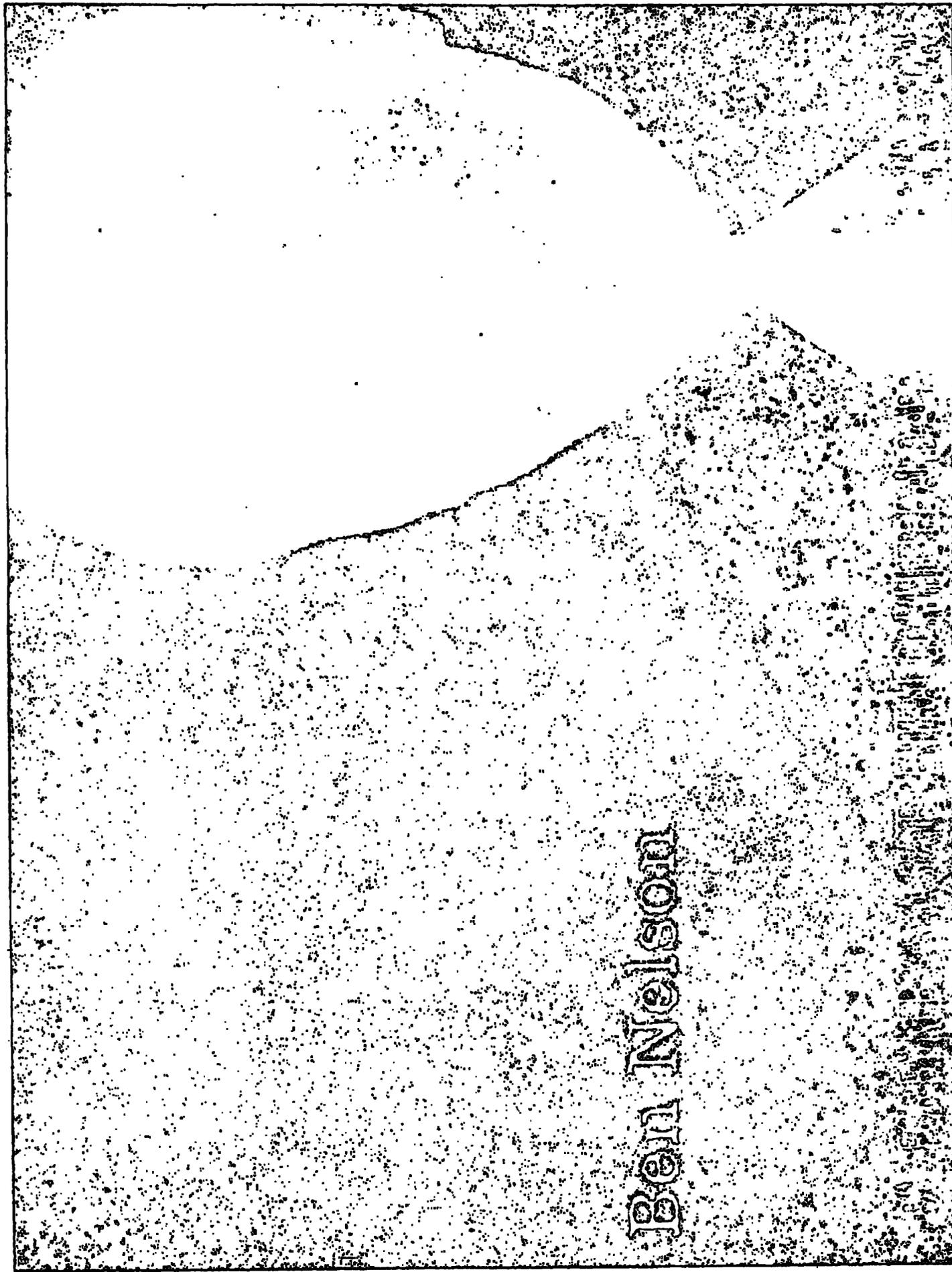
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